REMARKS

Claims 1-22 are pending.

The specification has been amended to replace the abstract with one having less than 150 words, in view of the Examiner's objection.

Claims 1, 2 and 4-6 were rejected under 35 U.S.C. §102(e) as being anticipated by Feinleib (US 6,343,360). The applicant respectfully traverses this rejection for the following reason(s).

Note that in order for an anticipation rejection to be proper, the anticipating reference must disclose exactly what is claimed. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Note here that the Examiner has not relied on "inherency," accordingly, each and every element must be expressly described in Feinleib.

The Examiner fails to identify where Feinleib discloses each and every feature of the invention claimed. Note, *Ex parte Levy*, 17 USPQ2d 1461, 1462 (1990) states:

> "it is incumbent upon the examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference."

For example, claim 1 calls for *memory means for storing the product key information of the operating system, said product key information being input by a user, when the operating system program is installed in the storing means.*

The Examiner has referred us to Feinleib's col. 5, lines 56-62, which state:

> "A number of program modules may be stored on the hard disk, magnetic disk, optical disk, ROM, or RAM. These programs include an operating system 130, one or more application programs 132, other program modules 134, and program data 136. In addition, the local zip code database 40 may also be stored on the hard disk or other memory device (e.g., non-volatile RAM)."

No mention of the *product key information* is found in the cited section of Feinleib. Feinleib mentions the *product key information* in the background at col. 1, line 60, and no where else. We find no mention of a memory available for *storing the product key information.*

Accordingly, the rejection of claim 1 is deemed to be in error and should be withdrawn.

Additionally, claim 1 calls for *writing means for writing the product key information in the memory means.*

The Examiner indicates that a GUI program is available to write the key information into memory and refers us to col. 6, lines 5-10 and 30-36, wherein Feinleib states:

> "A monitor 26 or other type of display device is connected to the bus 106 via an interface, such as a video adapter 146. The monitor 26 is used to present the GUI window during the first boot sequence. In addition to the monitor, personal computers typically include other peripheral output devices (not shown) such as speakers and printers;" and
>
> "At step 200, the user powers up the machine for the first time and the

> machine begins running the first boot sequence. During this sequence, the user is prompted to enter a zip code (step 202). This prompt can be in the form of a graphical UI window or box (FIG. 1), a line prompt (FIG. 2), or some other request that asks the user to enter his/her zip code."

We find mention of a zip code being input in the cited sections of Feinleib, but find no mention in these sections of *writing the product key information in the memory means.*

Accordingly, the rejection of claim 1 is deemed to be in error and should be withdrawn.

Further, and most importantly, claim 1 calls for *input means for reading out the product key information from the memory means and inputting the read-out product key information in an information input window for product certification of the operating system program when a product key of an operating system program being reinstalled is matched with the read-out product key information.*

Here, we note that the Examiner refers us to the following sections of Feinleib: col. 1, lines 59-66; col. 6, lines 5-10 and lines 30-36, and Fig. 1. These sections of Feinleib have been discussed above, wherein it was determined that Feinleib mentions *the product key information* only in col. 1, line 60, *i.e.,* "An initial screen prompts user to enter User Name, End User License Agreement, and Product Key."

There is no discussion in all of Feinleib pertaining to reinstallation, or recovery, of the operating system, and there is clearly no teaching of *input means for reading out the product key information from the memory means and inputting the read-out product key information in an information input window for product certification of the operating system program.*

Accordingly, the rejection of claim 1 is deemed to be in error and should be withdrawn.

Claim 2 stipulates that the storing means for storing the operating system program *is a boot device.*

Here, the Examiner refers us to Feinleib's col. 1, lines 54-57, which fails to disclose that the storing means discuss for storing the operating system program *is a boot device.* The Examiner appears to not understand the concept of a §102 rejection, in that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference, and that the identical invention must be shown in as complete detail as is contained in the ... claim. Reference to a section of the applied reference which mentions a "boot sequence" is not the same as identifying where the reference expressly mentions a *boot device* and that the boot device stores the *operating system program.*

Accordingly, the rejection of claim 2 is deemed to be in error and should be withdrawn.

Claim 4 requires that the *writing means* be a program installed in the same storing means in which the operating system program is stored.

Again, we note that the Examiner refers us to the following sections of Feinleib: col. 1, lines 59-66; col. 6, lines 5-10 and lines 30-36, and Fig. 1; and none of these sections disclose exactly what is claimed. Therefore, Feinleib fails to anticipate the claimed invention.

Accordingly, the rejection of claim 4 is deemed to be in error and should be withdrawn.

Claim 6 calls for *executing a product key information writing program;* and *writing the manually input product key information into the auxiliary memory* in a computer system having a central processing unit, a main memory, a BIOS ROM, and an auxiliary memory for storing information set by the BIOS ROM, and using an operating system program containing product key

information.

The Examiner refers us to col. 3, lines 35-49 and 43-49 of Feinleib, which state:

> "At this early point, the computer displays a graphical user interface ("GUI" or "graphical UI") window or dialog box 30 that prompts the user to enter his/her zip code. The user enters the zip code using a keyboard or some other input mechanism, and the numbers appear in the window 30. If the number is correct, the user presses the continue button 32 to continue with the first boot sequence.
>
> The computer 22 uses the zip code information to automatically configure parameters of the hardware and/or software. From the zip code, information such as city, state, time zone, area code, and daylight savings can be automatically determined. The computer 22 uses the information to configure itself, storing the information locally and configuring the system clock."

No mention of *a product key information writing program* is found in the foregoing section, nor is there mention of an *auxiliary memory*, and there is clearly no mention of *executing a product key information writing program* nor *writing the manually input product key information into the auxiliary memory*. The only information entered manually by the user in Feinleib discussed in the cited sections is a "zip code" in order for the computer to automatically determine the user's city, state, time zone, area code, and daylight savings information. It is well known in the art that product key information for a program is not equivalent to a user's zip code.

Accordingly, the rejection of claim 6 is deemed to be in error and should be withdrawn.

It has been shown it is well known in the art that **product key information** for a program is not equivalent to a user's **zip code** and that Feinleib lacks several of the required features claimed in claims 1, 2 and 4-6 pertaining to the product key information. Therefor, the rejection of claims 1, 2 and 4-6 under 35 U.S.C. §102(e) is in error and should be withdrawn.

Claims 8-10 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Feinleib in view of Matthews et al. (US 5844987) and Wilz, Sr. et al. (US 6510997). The Applicant respectfully traverses this rejection for the following reason(s).

Neither Matthews et al. or Wilz, Sr. et al. provide teachings of the features shown to be lacking in Feinleib. In fact neither Matthews et al. or Wilz, Sr. et al. make mention of **product key information**. Further, neither Matthews et al. or Wilz, Sr. et al. are related in any way (*i.e.,* non-analogous art) to the problems confronting the Applicant or Feinleib.

We note that the Examiner attempts to define Matthews et al.'s "codeword" and Wilz, Sr. et al.'s "HTTP address" as --key information--, but fails to suggest that such --key information-- is in any way equivalent to the claimed *product key information.* For example, it is well known in the art the Microsoft has developed and continues to develop the Windows operating system, mentioned in Feinleib, and that in order for the user to install these operating systems, the *product key information* included with the program must be entered to permit installation of the program. The intent of the the *product key information* was to prevent installation of the program if a disk, for example, containing the program is stolen, absent the *product key information.* Therefore, since the term *product key information* is so well established in the art, and the Applicant's specification supports the well known definition of *product key information*, then it cannot be held that codes such as Feinleib's "zip code", Matthews et al.'s "codeword" and Wilz, Sr. et al.'s "HTTP address" are in any way equivalent to the claimed *product key information.*

Claim 8, for example calls for *reading out the product key information from the auxiliary memory; checking whether the read-out product key information is matched with product key*

information of an operating system program that will be reinstalled; and *if matched, automatically inputting the product key information in a product key information input window displayed on a screen corresponding to an installation procedure for installing the operating system program.*

None of the foregoing features of claim 8 are taught by the applied art. Note for example that with respect to the feature of *reading out the product key information from the auxiliary memory*, the Examiner refers us to col. 3, lines 50-52 of Feinleib, which states: "The information can be derived from one of two sources: (1) a local zip code database (ZC DB) 40 stored in the computer's memory; or (2) a remote zip code database 42." No *product key information* is disclosed or taught in the cited section of Feinleib.

Accordingly, claims 8-10 are deemed to be patentable over the applied art for the same reasons as claims 1, 2 and 4-6.

Claims 11, 12, 15-19, 21 and 22 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Feinleib, in view of Sobel (US 6205558), Matthews et al. and Wilz, Sr. et al. The Applicant respectfully traverses this rejection for the following reason(s).

Sobel fails to provide the necessary teachings of the features noted as lacking in the combination of Feinleib, Matthews et al. and Wilz, Sr. et al. discussed above. And Sobel is not relevant to any of the features pertaining to the claimed *product key information.*

Additionally, claim 11, for example, calls for in part *reading out said product key information from said CMOS RAM when said recovery program is executed.* Here the Examiner refers us to Feinleib's col. 3, lines 50-52, which fail to teach execution of a recovery program and fail to teach reading out product key information from a CMOS RAM.

Accordingly claims 11, 12, 15-19, 21 and 22 are deemed to allowable over the applied art for the same reasons as discussed above with respect to claims 1, 2, 4-6 and 8-10. Therefore, the rejection should be withdrawn.

Claims 3 and 13 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Feinleib, as applied to claims 1 and 12, in view of Ledain et al. (US 6021408). The Applicant respectfully traverses this rejection for the following reason(s).

First, note that claim 12 was never rejected in view of Feinleib alone under 35 U.S.C. §102 nor §103. Accordingly the rejection pertaining to claim 13/12/11 is in error and should have included the same art applied to the rejection of claims 11 and 12.

Second, Ledain et al. fails to provide the necessary teachings of the features noted as lacking in Feinleib, also noted as lacking in the combination of Feinleib, Sobel, Matthews et al. and Wilz, Sr. et al., discussed above. And Ledain et al. is not relevant to any of the features pertaining to the claimed *product key information.*

Accordingly, claims 3 and 13 are deemed allowable for the same reasons as claims 1, 2, 11 and 12, as discussed above. Therefore, the rejection should be withdrawn.

Claims 7 and 14 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Feinleib in view of Miura (US 5,930,505). The Applicant respectfully traverses this rejection for the following reason(s).

First, note that claim 13/12/11, from which claim 14 depends, was never rejected in view of Feinleib alone under 35 U.S.C. §102 nor §103. Accordingly the rejection pertaining to claim 14/13/12/11 is in error and should have included the same art applied to the rejection of claims 11, 12 and 13.

Second, Miura fails to provide the necessary teachings of the features noted as lacking in Feinleib, also noted as lacking in the combination of Feinleib, Ledain et al., Sobel, Matthews et al. and Wilz, Sr. et al., discussed above. And Miura is not relevant to any of the features pertaining to the claimed *product key information*.

Accordingly, claims 7 and 14 are deemed allowable for the same reasons as claims 6, 11, 12 and 13, as discussed above. Therefore, the rejection should be withdrawn.

Claim 20 was rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Feinleib, in view of Sobel, Matthews et al, Wilz, Sr. et al. and Pearce et al. (US 6,243648). The Applicant respectfully traverses this rejection for the following reason(s).

Pearce et al. fails to provide the necessary teachings of the features noted as lacking in the combination of Feinleib, Sobel, Matthews et al. and Wilz, Sr. et al., discussed above. And Pearce et al. is not relevant to any of the features pertaining to the claimed *product key information*.

Accordingly, claim 20 is deemed allowable for the same reasons as claims 11 as discussed above. Therefore, the rejection should be withdrawn.

The examiner is respectfully requested to reconsider the application, withdraw the objections and/or rejections and pass the application to issue in view of the above amendments and/or remarks.

Should a Petition for extension of time be required with the filing of this Amendment, the Commissioner is kindly requested to treat this paragraph as such a request and is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of the incurred fee if, **and only if**, a petition for extension of time be required **and** a check of the requisite amount is not enclosed.

Respectfully submitted,

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